

Statement of Rep. J.D. Hayworth

Committee on Resources

Forests and Forest Health Subcommittee Hearing on H.R. 3802, amending the Education Land Grant Act.

Thursday, June 20, 2002

Mr. Chairman, the Education Land Grant Act (HELGA) sets up a national mechanism to convey small parcels of US Forest Service land to local educational agencies for the purpose of renovation, expansion, or construction of school facilities. This bill was signed into law on December 28, 2000 (P.L. 106-577), nearly 18 months ago. Now, after 18 months, implementation procedures are finally being completed, so that Forest Supervisors will know how to process applications received from school districts.

In fact, implementation of the Education Land Grant Act by the U.S. Forest Service would be laughable if it weren't such a tragedy for our nation's schools. Forest Service personnel circumvented the will of the U.S. Congress in so many instances that they may as well have been conducting a clinic entitled "How to Administratively Kill Legislation We Don't Like." Perhaps *we* should call it, "What is Wrong with Bureaucracy."

Mr. Chairman, in a Resources Committee hearing held last week to investigate the "Analysis Paralysis" problem at the U.S. Forest Service, I outlined some of the frustrations I have encountered in simply trying to get the Forest Service to implement the law of the land. I will not repeat the long run-around given me by Forest Service staffers that very nearly sabotaged an Education Land Grant Act conference I hosted in Phoenix last year. However, I will simply say that the experience showed me just what I am up against. Ultimately, the Forest Service has shown extreme reluctance to complete the implementation of this law. Additionally, Forest Service staff has administratively determined that schools that apply for a conveyance under this act would need to pay for various administrative costs, analyses, and environmental compliance assessments. In fact, the Interim Directive that has now finally been distributed states various costs to be borne by school districts:

"Nominal costs includes the nominal fee of \$10 per acre conveyed, plus *all costs directly associated with the project* that the Forest Service may incur to evaluate and process a school district's request to acquire National Forest Service lands under ELGA, such as, *costs associated with National Environmental Policy Act (NEPA) compliance, document preparation, surveys, posting of property monuments, markers, or posts, and recordation* ."

Another memo, distributed by former Forest Service Deputy Chief James Furnish, mentions that even *staff time* used to process requests will need to be paid by school districts.

The costs associated with a conveyance under ELGA are truly minimal to the Forest Service--a drop in the bucket for the agency. Such costs, however, can be absolutely prohibitive to school districts seeking to expand their facilities. Forcing school districts to pay for such costs violates the spirit and the intent of the law. Instead of jealously guarding their bureaucratic "power", the Forest Service needs to consider the contribution ELGA conveyances would make to society and to our school children.

These school children deserve the best possible education in the best possible setting. Unfortunately, the

reality is that many school districts cannot afford the costs of acreage *and* new school facilities. The purpose of the Education Land Grant Act was to help cash-strapped school districts by eliminating the expensive costs associated with purchasing lands. Sadly, this will not become a reality for many school districts unless the law is now amended to ensure that scarce education funds are not tied up in paying for Forest Service bureaucracy and administrative costs.

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